

UNOFFICIAL VERSION

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SENATE JOURNAL
OF THE
ONE HUNDRED TENTH GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE
SECOND REGULAR SESSION
TUESDAY, JANUARY 9, 2018
THIRTY-EIGHTH LEGISLATIVE DAY

CALL TO ORDER

The Senate of the One Hundred Fifth General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Mr. Speaker McNally, pursuant to **Senate Joint Resolution No. 464**, and in accordance with Article II, Sections 3 and 8 of the Constitution of the State of Tennessee.

PRAYER

The proceedings were opened with prayer by Pastor David Evans of Tennessee Baptist Mission Board in Franklin, Tennessee, a guest of Senator Roberts.

PLEDGE OF ALLEGIANCE

Senator Roberts led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Roberts led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--32.

TUESDAY, JANUARY 9, 2018 -- 38TH LEGISLATIVE DAY

COMMUNICATIONS

August 28, 2017

The Honorable Lt. Governor Randy McNally
301 6th Avenue, North
Suite 1 Legislative Plaza
Nashville, TN 37243

Dear Lt. Governor McNally:

Please accept this letter as a formal notification that I will be resigning from my position as a Senator for the Tennessee General Assembly, effective September 1, 2017.

It has been an honor to serve the Great State of Tennessee for so many years and a privilege to serve the constituents of District 17.

Sincerely,

/s/ Mae Beavers

November 6, 2017

The Honorable Randy McNally
Lieutenant Governor
One Legislative Plaza
Nashville, TN 37243

Dear Speaker McNally:

It has been a distinct honor and privilege for me to serve the people of the 14th Senatorial District as their State Senator in the Tennessee General Assembly. I have enjoyed membership on various Senate Committees, as well performing the duties of Speaker Pro Tempore of the Senate in 2017. My constituents have always been my first priority, and I appreciate the opportunity they gave me to be a part of the Tennessee General Assembly.

I have had the great distinction to be appointed by President Trump and his Administration to serve as the next USDA Director of Rural Development for Tennessee; and I have decided to accept that position.

Therefore, I am submitting my letter of resignation as State Senator effective November 6, 2017; and I have asked Governor Haslam to begin the process of a Special Election to be held to fill this Senate Seat.

Best regards,

/s/ Jim Tracy
Speaker Pro Tempore
14th Senatorial District

TUESDAY, JANUARY 9, 2018 -- 38TH LEGISLATIVE DAY

November 15, 2017

Via Email: Bill.Haslam@TN.gov
(Also sent by First Class Mail)

The Honorable Bill Haslam
Office of the Governor
State Capitol
Nashville, TN 37243

Dear Governor Haslam:

Following the United States Senate's action in confirming my appointment as U.S. Attorney for the Eastern District of Tennessee and in preparation of assuming the office of U.S. Attorney, I am hereby resigning as State Senator for the 2nd Senatorial District of Tennessee, effective November 21, 2017, at 1:00 p.m., CST.

It has been a singular privilege and great honor to serve as a member of the General Assembly for the past seventeen years. I have enjoyed representing and working for the great people of Blount and Sevier Counties and my association with the committed and dedicated members of the General Assembly as well as those in the Executive and Judicial Branches of state government.

Sincerely yours,

/s/ Douglas Overbey
State Senator

NOTICES

APPOINTMENT OF SENATOR

Pursuant to the resignation of the Honorable Doug Overbey, Senator of the 2nd Senatorial District, the following communication was spread upon the Journal:

STATE OF TENNESSEE COUNTY OF BLOUNT

COUNTY COMMISSION MEETING DECEMBER 1, 2017

ROLL CALL

BE IT REMEMBERED, that the Blount County Board of Commissioners met in special session on Friday, December 1, 2017, at 12:15 p.m., in Room 430, at the Blount County Courthouse in Maryville, Tennessee. Blount County Commission Chairman Jerome Moon called the meeting to order. An electronic roll call was taken by Gaye Hasty, Blount County Clerk. There were 17 present and 4 absent. Chairman Moon declared a quorum to exist. The following proceedings were held, to-wit:

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Present: 17 - Commissioner Andy Allen, Commissioner Archie Archer, Commissioner Dave Bennett, Commissioner Shawn Carter Sr., Commissioner Richard Carver, Vice Chair Grady Caskey, Commissioner Mike Caylor, Commissioner Dodd Crowe, Commissioner Gary Farmer, Commissioner Ron French, Commissioner Mike Lewis, Commissioner Kenneth Melton, Commissioner Karen Miller, Commissioner Tona Monroe, Chairperson Jerome Moon, Commissioner Scott King, and Commissioner Tom Stinnett

Absent: 4 - Commissioner Mike Akard, Commissioner Brad Bowers, Commissioner Thomas Cole, and Commissioner Jamie Daly

A. ELECTIONS.

1. In accordance with the authority vested in me by Tennessee Code Annotated § 5-5-111. Notice is hereby given that the County Legislative Body of Blount County will meet on Friday, December 1, 2017, at 12:15 p.m. in Room 430 of the Blount County Courthouse in Maryville, Tennessee to fill the vacancy in the office of Tennessee State Senate seat District 2 caused by the resignation of J Douglas Overbey. Before the county legislative body votes or considers any motion or resolution regarding the office to be filled. the chair shall allow registered voters of the county an opportunity to submit names to the county legislative body for consideration. The names may be submitted in writing to the chair prior to the meeting or may be submitted in person at the meeting. In order for a name to be considered, a member of the county legislative body must subsequently nominate the person. Members of the county legislative body may also nominate a candidate or candidates to fill the office or vacancy without the name being submitted by a voter. Nominations do not require a second. If the person nominated is not present at the meeting the person making the nomination shall submit a signed statement from the nominee that the nominee is willing to serve in the office if appointed.

Chairman Moon stated the Chair had received two names in writing for the nomination to fill the vacancy in the office of Tennessee State Senate seat District 2, Scott Williams and Scott Walker. Chairman Moon asked the audience if Scott Williams was present. Scott Williams acknowledged his presence and consent to be nominated. There was no response when Chairman Moon asked the audience if Scott Walker was present or if someone had a signed letter of consent from Mr. Walker. Chairman Moon asked the audience if there were any registered voters who wished to submit a name to the Chair for nomination. There was no response. Chairman Moon asked again if a registered voter would desire to submit a name to the Chair. There was no response. Chairman Moon opened the floor to the members of the Blount County Legislative Body for nominations. Commissioner Carver nominated Art Swann for the appointment to the office of Tennessee State Senate seat District 2. Commissioner Monroe nominated Scott Williams for the appointment to the office of Tennessee State Senate seat District 2. Chairman Moon asked if there were any additional nominations. There were none. Commissioner French made a motion to close nominations. Commissioner Bennett seconded the motion. A voice vote was taken with Chairman Moon declaring the motion passed and nominations closed. A roll call vote was taken by the County Clerk for the appointment to fill the vacancy in the office of Tennessee State Senate seat District 2.

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To appoint Swann: Commissioners Allen, Bennett, Carter, Carver, Caskey, Caylor, Crowe, Farmer, French, King, Lewis, Melton, Moon and Stinnett (14).

To appoint Williams: Commissioners Archer, Miller and Monroe (3).

Commissioners absent: Akard, Bowers, Cole and Daly (4).

The County Clerk reported there to be 14 votes for Art Swann and 3 votes for Scott Williams. Chairman Moon declared Art Swann appointed to the Tennessee State Senate seat District 2.

B. ADJOURNMENT.

Chairman Moon declared the meeting adjourned. The Blount County Board of Commissioners Special Called Meeting adjourned on December 1, 2017, at 1222 p.m.

STATE OF TENNESSEE, COUNTY OF BLOUNT
I GAYE HASTY CLERK OF THE COUNTY
COURT OF SAID COUNTY, DO CERTIFY
THAT THE FOREGOING IS A TRUE COPY OF
THE MINUTES OF THE BLOUNT COUNTY
COMMISSION AS THE SAME APPEARS OF
RECORD IN MY OFFICE WITNESS MY HAND
AND OFFICIAL SEAL IN MARYVILLE.

This the 4th day of December 2017
/s/ Clerk Gaye Hasty

VACANT SEAT

Pursuant to the resignation of the Honorable Jim Tracy, Senator of the 14th Senatorial District, the seat was vacated on November 6, 2017. Pursuant to the Governor's writs of election, an election will be held on March 13, 2018. The seat remains vacant.

**REPORT OF THE SECRETARY OF STATE
ELECTION RESULTS FOR SENATE SEAT 17**

The report was received and filed with the Clerk.

OATH OF OFFICE OF SENATORS-ELECT

The following Senator-elect, found to be duly elected and qualified, stood and was administered the oath prescribed by the Constitution of the State of Tennessee and Tennessee Code Annotated, Section 3-1-105 by the Honorable Robert P. Hamilton, General Session Judge - Retired:

Seventeenth Senatorial District -- Mark Pody, representing Cannon, Clay, Dekalb, Macon, Smith and Wilson Counties.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

MR. SPEAKER McNALLY RELINQUISHES CHAIR

Mr. Speaker McNally relinquished the Chair to Deputy Speaker Haile.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 1467 through 1477** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced the following bills were filed for introduction and passed first consideration:

Senate Bill No. 1467 by Senator Kyle.

Public Property -- As introduced, exempts memorials located on public property in Shelby County from the Tennessee Heritage Protection Act of 2016, as amended. Amends TCA Section 4-1-412.

Senate Bill No. 1468 by Senator Bowling.

Insurance, Liability -- As introduced, prohibits health benefit plans from denying coverage to medical services, devices, or products on the basis that the service, device, or product is investigational or experimental if medicare covers the service, device, or product. Amends TCA Title 56.

Senate Bill No. 1469 by Senator Dickerson.

Naming and Designating -- As introduced, names the wrestling room at the Tennessee School for the Blind in honor of Frank Alexander.

Senate Bill No. 1470 by Senator Roberts.

Municipal Government -- As introduced, creates an exception to the prohibition on the incorporation of an area within three miles of an existing municipality to allow an area in Hickman County to incorporate. Amends TCA Section 6-1-201.

Senate Bill No. 1471 by Senator Haile.

Education -- As introduced, revises the date by which the state board of education must require a course in Tennessee history for students from the 2018-2019 school year to the 2019-2020 school year. Amends TCA Section 49-6-1015 and Chapter 482 of the Public Acts of 2017.

Senate Bill No. 1472 by Senator Harris.

Firearms and Ammunition -- As introduced, creates the Class E felony offense of purchasing, selling, possessing, or using a part, component, device, or attachment designed to accelerate the fire of a semi-automatic rifle and makes any semi-automatic rifle that includes an accelerated fire part, component, or device a prohibited weapon. Amends TCA Title 39, Chapter 17, Part 13.

Senate Bill No. 1473 by Senator Green.

Education, Higher -- As introduced, adds in-state tuition and fees and any use of money provided to the state through taxes to the definition of state and local public benefit. Amends TCA Title 4; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 1474 by Senator Green.

Motor Vehicles, Titling and Registration -- As introduced, creates a "5th Special Forces Group (Airborne)" military license plate for issuance to current or former members of the unit and spouses or children of such members. Amends TCA Title 55, Chapter 4.

Senate Bill No. 1475 by Senator Gardenhire.

Industrial Development -- As introduced, defines "infrastructure" for purposes of the present law pertaining to industrial development corporations. Amends TCA Section 1-3-105; Title 7; Title 64 and Title 67.

Senate Bill No. 1476 by Senators Gardenhire and Green.

Economic and Community Development -- As introduced, requires that a nonbinding referendum election be held before property tax or sales and use tax revenue is used to service debt on a professional sports team's stadium. Amends TCA Title 2; Title 5; Title 6; Title 7; Title 64 and Title 67.

Senate Bill No. 1477 by Senator Gardenhire.

Local Education Agencies -- As introduced, deletes the requirement that local school systems must sell all surplus property within 90 days of its being declared surplus; revises the advertising requirements for local school systems selling surplus property. Amends TCA Title 49, Chapter 6.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 465 through 471**; and **Senate Resolution No. 136** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 465 by Senator Haile.

Memorials, Recognition -- Lieutenant Colonel Richard T. Willbanks, U.S. Army.

Senate Joint Resolution No. 466 by Senator Yarbrow.

General Assembly, Statement of Intent or Position -- Authorizes governor to expand Medicaid eligibility in accordance with the Patient Protection and Affordable Care Act to fully combat the opioid crisis in Tennessee.

Senate Joint Resolution No. 467 by Senators Dickerson and Roberts.

Memorials, Recognition -- Cicely Woodard, 2017-2018 Tennessee Teacher of the Year.

Senate Joint Resolution No. 468 by Senator Haile.

Memorials, Recognition -- Hartsville, 200th Anniversary.

Senate Joint Resolution No. 469 by Senator Ketron.

Memorials, Death -- Hubert Ronald "Ronnie" Hill.

Senate Joint Resolution No. 470 by Senator Ketron.

Memorials, Recognition -- James R. Morrison, Jr., Senior Deputy Supreme Tall Cedar.

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Senate Joint Resolution No. 471 by Mr. Speaker McNally.
Memorials, Sports -- Coach Joe Gaddis, Coach of the Year in Region 3-5A.

Senate Resolution No. 136 by Senator Bell.
General Assembly, Confirmation of Appointment -- Lowell Russell, Tennessee Peace Officers Standards and Training (POST) Commission.

CALENDAR

Senator Jackson moved that **Senate Joint Resolution No. 92** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 261** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Massey moved that **Senate Bill No. 520** be rereferred to the Committee on Calendar, which motion prevailed.

MOTION

Senator Norris moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 472**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 472 by Senator Pody.
Memorials, Recognition -- Commemorate "Religious Freedom Day," January 16, 2018.

Senator Norris moved that **Senate Joint Resolution No. 472** be referred to the Committee on Judiciary, which motion prevailed.

MOTION

Senator Norris moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 472** on the calendar for the Committee on Judiciary for Tuesday, January 9, 2018, which motion prevailed.

MOTION

Senator Norris moved the Proposed Schedule for the week of January 8, 2018, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
110th GENERAL ASSEMBLY**

WEEK OF JANUARY 8, 2018

TUESDAY, JANUARY 9, 2018

noon
1:30 p.m.

Session – Senate Chamber
Finance, Ways & Means Committee

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2:30 p.m.

Judiciary Committee

WEDNESDAY, JANUARY 10, 2018

9:00 a.m.

Session – Senate Chamber

10:00 a.m.

Government Operations Committee – **Cancelled**

11:00 a.m.

Health & Welfare Committee

12:00 noon

Lunch

1:00 p.m.

Joint Senate & House Transportation Committees
(House Hearing Room 1)

2:00 p.m.

Energy, Agriculture & Natural Resources Committee

3:00 p.m.

Education Committee

THURSDAY, JANUARY 11, 2018

9:00 a.m.

Session – Senate Chamber

9:30 a.m.

Joint Convention – House Chamber

*Annual Ethics Training (T.C.A. 3-6-113) Mr. Drew Rawlins, Executive Director of Bureau of Ethics and Campaign Finance

OTHER MEETINGS:

Monday, January 8th

1:00 p.m. Corrections Subcommittee of State & Local Government Committee (Senate Hearing Room II).

NOTES:

- Senate Standing Committees will meet in Hearing Room I.
- On Monday, January 15th, the Senate will observe the Martin Luther King Jr., Holiday.

APPOINTMENTS

Pursuant to Senate Rules 3, 73 and 74, the Speaker announced the appointments for the Senate of the One Hundred Tenth General Assembly:

STANDING COMMITTEES

COMMERCE AND LABOR

Johnson (R), Chairperson; Green (R), First Vice Chairperson; Roberts (R), Second Vice Chairperson; Gresham (R), Ketron (R), Niceley (R), Tate (D), Watson (R) and Yager (R).

EDUCATION

Gresham (R), Chairperson; Tate (D), First Vice Chairperson; Gardenhire (R), Second Vice Chairperson; Crowe (R), Dickerson (R), Haile (R), Hensley (R), Kelsey (R) and Lundberg (R).

ENERGY, AGRICULTURE AND NATURAL RESOURCES

Southerland (R), Chairperson; Niceley (R), First Vice Chairperson; Pody (R), Second Vice Chairperson; Bell (R), Dickerson (R), Green (R), Gresham (R), Harris (D) and Yager (R).

FINANCE, WAYS AND MEANS

Watson (R), Chairperson; Stevens (R), First Vice Chairperson; Hensley (R), Second Vice Chairperson; Dickerson (R), Gardenhire (R), Haile (R), Harper (D), Ketron (R), Massey (R), Norris (R) and Tate (D).

GOVERNMENT OPERATIONS

Bell (R), Chairperson; Jackson (R), First Vice Chairperson; Lundberg (R), Second Vice Chairperson; Bowling (R), Crowe (R), Harper (D), Pody (R), Roberts (R) and Southerland (R).

HEALTH AND WELFARE

Crowe (R), Chairperson; Haile (R), First Vice Chairperson; Hensley (R), Second Vice Chairperson; Briggs (R), Jackson (R), Kyle (D), Massey (R), Swann (R) and Watson (R).

JUDICIARY

Kelsey (R), Chairperson; Lundberg (R), First Vice Chairperson; Bowling (R), Second Vice Chairperson; Bell (R), Harris (D), Kyle (D), Roberts (R), Stevens (R) and Swann (R).

STATE AND LOCAL GOVERNMENT

Yager (R), Chairperson; Briggs (R), First Vice Chairperson; Jackson (R), Second Vice Chairperson; Bailey (R), Gardenhire (R), Johnson (R), Ketron (R), Norris (R) and Yarbrow (D).

TRANSPORTATION AND SAFETY

Bailey (R), Chairperson; Swann (R), First Vice Chairperson; Niceley (R), Second Vice Chairperson; Bowling (R), Briggs (R), Massey (R), Pody (R), Stevens (R) and Yarbrow (D).

SELECT COMMITTEES

CALENDAR

Roberts (R), Chairperson; Harris (D), First Vice Chairperson; and Norris (R), Second Vice Chairperson.

ETHICS

Briggs (R), Chairperson; Dickerson (R), First Vice Chairperson; Southerland (R), Second Vice Chairperson; Harper (D) and Norris (R).

RULES

Norris (R), Chairperson; Stevens (R), First Vice Chairperson; Watson (R), Second Vice Chairperson; Haile (R) and Yarbrow (D).

MOTION

On motion of Senator Bell, his name was added as prime sponsor of **Senate Bill No. 180**.

On motion of Senator Overbey, his name was removed as sponsor of **Senate Bill No. 180**.

On motion of Senator Gresham, her name was added as prime sponsor of **Senate Bill No. 250**.

On motion of Senator Tracy, his name was removed as sponsor of **Senate Bill No. 250**.

On motion of Senator Lundberg, his name was added as prime sponsor of **Senate Bill No. 276**.

On motion of Senator Overbey, his name was removed as sponsor of **Senate Bill No. 276**.

On motion of Senator Yager, his name was added as prime sponsor of **Senate Bill No. 370**.

On motion of Senator Overbey, his name was removed as sponsor of **Senate Bill No. 370**.

On motion of Senator Green, his name was added as prime sponsor of **Senate Bill No. 481**.

On motion of Senator Tracy, his name was removed as sponsor of **Senate Bill No. 481**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 923**.

On motion of Senator Green, his name was added as sponsor of **Senate Bill No. 1476**.

On motion of Senator Roberts, his name was added as sponsor of **Senate Joint Resolution No. 467**.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Tuesday, January 9, 2018: Senate Joint Resolution No. 92; and Senate Bills Nos. 261 and 520.

This the 4th day of January, 2018.
MASSEY, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Wednesday, January 10, 2018, which motion prevailed.